

House File 65

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1 3 AN ACT
1 4 RELATING TO MOTOR VEHICLE OPERATING WHILE INTOXICATED OFFENSES.
1 5
1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 7
1 8 Section 1. Section 321J.2, subsection 1, paragraph b, Code
1 9 2003, is amended to read as follows:
1 10 b. While having an alcohol concentration of ~~.10~~ .08 or
1 11 more.
1 12 Sec. 2. Section 321J.2, subsection 2, paragraph a,
1 13 subparagraph (3), Code 2003, is amended to read as follows:
1 14 (3) Revocation of the person's driver's license pursuant
1 15 to section 321J.4, subsection 1, section 321J.9, or section
1 16 321J.12, subsection 2, which includes a minimum revocation
1 17 period of one hundred eighty days, ~~including a minimum period~~
~~1 18 of ineligibility for a temporary restricted license of thirty~~
~~1 19 days,~~ and may involve a revocation period of one year. A
1 20 revocation under section 321J.9 includes a minimum period of
1 21 ineligibility for a temporary restricted license of ninety
1 22 days.
1 23 (a) A defendant whose alcohol concentration is .08 or more
1 24 but not more than .10 shall not be eligible for any temporary
1 25 restricted license for at least thirty days if a test was
1 26 obtained and an accident resulting in personal injury or
1 27 property damage occurred. The defendant shall be ordered to
1 28 install an ignition interlock device of a type approved by the
1 29 commissioner of public safety on all vehicles owned by the
1 30 defendant if the defendant seeks a temporary restricted
1 31 license. There shall be no such period of ineligibility if no
1 32 such accident occurred, and the defendant shall not be ordered
1 33 to install an ignition interlock device.
1 34 (b) A defendant whose alcohol concentration is more than
1 35 .10 shall not be eligible for any temporary restricted license
2 1 for at least thirty days if a test was obtained, and an
2 2 accident resulting in personal injury or property damage
2 3 occurred or the defendant's alcohol concentration exceeded
2 4 .15. There shall be no such period of ineligibility if no
2 5 such accident occurred and the defendant's alcohol
2 6 concentration did not exceed .15. In either case, where a
2 7 defendant's alcohol concentration is more than .10, the
2 8 defendant shall be ordered to install an ignition interlock
2 9 device of a type approved by the commissioner of public safety
2 10 on all vehicles owned by the defendant if the defendant seeks
2 11 a temporary restricted license.
2 12 Sec. 3. Section 321J.4, subsections 1 and 3, Code 2003,
2 13 are amended to read as follows:
2 14 1. If a defendant is convicted of a violation of section
2 15 321J.2 and the defendant's driver's license or nonresident
2 16 operating privilege has not been revoked under section 321J.9
2 17 or 321J.12 for the occurrence from which the arrest arose, the
2 18 department shall revoke the defendant's driver's license or
2 19 nonresident operating privilege for one hundred eighty days if
2 20 the defendant has had no previous conviction or revocation
2 21 under this chapter. The defendant shall not be eligible for
2 22 any temporary restricted license ~~for at least thirty days~~
~~2 23 after the effective date of the revocation if a test was~~
~~2 24 obtained and for at least ninety days if a test was refused~~
2 25 under section 321J.9.
2 26 a. A defendant whose alcohol concentration is .08 or more
2 27 but not more than .10 shall not be eligible for any temporary
2 28 restricted license for at least thirty days if a test was
2 29 obtained and an accident resulting in personal injury or
2 30 property damage occurred. The defendant shall be ordered to
2 31 install an ignition interlock device of a type approved by the
2 32 commissioner of public safety on all vehicles owned by the
2 33 defendant if the defendant seeks a temporary restricted
2 34 license. There shall be no such period of ineligibility if no
2 35 such accident occurred, and the defendant shall not be ordered
3 1 to install an ignition interlock device.
3 2 b. A defendant whose alcohol concentration is more than
3 3 .10 shall not be eligible for any temporary restricted license
3 4 for at least thirty days if a test was obtained, and an
3 5 accident resulting in personal injury or property damage

3 6 occurred or the defendant's alcohol concentration exceeded
3 7 .15. There shall be no such period of ineligibility if no
3 8 such accident occurred and the defendant's alcohol
3 9 concentration did not exceed .15. In either case, where a
3 10 defendant's alcohol concentration is more than .10, the
3 11 defendant shall be ordered to install an ignition interlock
3 12 device of a type approved by the commissioner of public safety
3 13 on all vehicles owned by the defendant if the defendant seeks
3 14 a temporary restricted license.

3 15 c. If the defendant is under the age of twenty-one, the
3 16 defendant shall not be eligible for a temporary restricted
3 17 license for at least sixty days after the effective date of
3 18 revocation.

3 19 3. If the court defers judgment pursuant to section 907.3
3 20 for a violation of section 321J.2, and if the defendant's
3 21 driver's license or nonresident operating privilege has not
3 22 been revoked under section 321J.9 or 321J.12, or has not
3 23 otherwise been revoked for the occurrence from which the
3 24 arrest arose, the department shall revoke the defendant's
3 25 driver's license or nonresident operating privilege for a
3 26 period of not less than thirty days nor more than ninety days.
3 27 The defendant shall not be eligible for any temporary
3 28 restricted license for at least thirty days after the
3 29 effective date of the revocation if a test was obtained and
3 30 for at least ninety days if a test was refused.

3 31 a. A defendant whose alcohol concentration is .08 or more
3 32 but not more than .10 shall not be eligible for any temporary
3 33 restricted license for at least thirty days if a test was
3 34 obtained and an accident resulting in personal injury or
3 35 property damage occurred. The defendant shall be ordered to
4 1 install an ignition interlock device of a type approved by the
4 2 commissioner of public safety on all vehicles owned by the
4 3 defendant if the defendant seeks a temporary restricted
4 4 license. There shall be no such period of ineligibility if no
4 5 such accident occurred, and the defendant shall not be ordered
4 6 to install an ignition interlock device.

4 7 b. A defendant whose alcohol concentration is more than
4 8 .10 shall not be eligible for any temporary restricted license
4 9 for at least thirty days if a test was obtained, and an
4 10 accident resulting in personal injury or property damage
4 11 occurred or the defendant's alcohol concentration exceeded
4 12 .15. There shall be no such period of ineligibility if no
4 13 such accident occurred and the defendant's alcohol
4 14 concentration did not exceed .15. In either case, where a
4 15 defendant's alcohol concentration is more than .10, the
4 16 defendant shall be ordered to install an ignition interlock
4 17 device of a type approved by the commissioner of public safety
4 18 on all vehicles owned by the defendant if the defendant seeks
4 19 a temporary restricted license.

4 20 c. If the defendant is under the age of twenty-one, the
4 21 defendant shall not be eligible for a temporary restricted
4 22 license for at least sixty days after the effective date of
4 23 the revocation.

4 24 Sec. 4. Section 321J.6, subsection 1, paragraph g, Code
4 25 2003, is amended to read as follows:

4 26 g. The preliminary breath screening test was administered
4 27 and it indicated an alcohol concentration of .02 or more but
4 28 less than ~~10~~ .08 and the person is under the age of twenty=
4 29 one.

4 30 Sec. 5. Section 321J.12, subsection 2, Code 2003, is
4 31 amended to read as follows:

4 32 2. a. A person whose driver's license or nonresident
4 33 operating privileges have been revoked under subsection 1,
4 34 paragraph "a", whose alcohol concentration is .08 or more but
4 35 not more than .10 shall not be eligible for any temporary
5 1 restricted license for at least thirty days after the
5 2 effective date of the revocation if a test was obtained and an
5 3 accident resulting in personal injury or property damage
5 4 occurred. The defendant shall be ordered to install an
5 5 ignition interlock device of a type approved by the
5 6 commissioner of public safety on all vehicles owned by the
5 7 defendant if the defendant seeks a temporary license. There
5 8 shall be no such period of ineligibility if no such accident
5 9 occurred, and the defendant shall not be ordered to install an
5 10 ignition interlock device.

5 11 b. A defendant whose alcohol concentration is more than
5 12 .10 shall not be eligible for any temporary restricted license
5 13 for at least thirty days if a test was obtained, and an
5 14 accident resulting in personal injury or property damage
5 15 occurred or the defendant's alcohol concentration exceeded
5 16 .15. There shall be no such period of ineligibility if no

5 17 such accident occurred and the defendant's alcohol
5 18 concentration did not exceed .15. In either case, where a
5 19 defendant's alcohol concentration is more than .10, the
5 20 defendant shall be ordered to install an ignition interlock
5 21 device of a type approved by the commissioner of public safety
5 22 on all vehicles owned by the defendant if the defendant seeks
5 23 a temporary restricted license.

5 24 c. If the person is under the age of twenty-one, the
5 25 person shall not be eligible for a temporary restricted
5 26 license for at least sixty days after the effective date of
5 27 the revocation.

5 28 d. A person whose license or privileges have been revoked
5 29 under subsection 1, paragraph "b", for one year shall not be
5 30 eligible for any temporary restricted license for one year
5 31 after the effective date of the revocation, and the person
5 32 shall be ordered to install an ignition interlock device of a
5 33 type approved by the commissioner of public safety on all
5 34 vehicles owned or operated by the defendant if the defendant
5 35 seeks a temporary restricted license at the end of the minimum
6 1 period of ineligibility. A temporary restricted license shall
6 2 not be granted by the department until the defendant installs
6 3 the ignition interlock device.

6 4 Sec. 6. Section 321J.12, subsection 5, Code 2003, is
6 5 amended to read as follows:

6 6 5. Upon certification, subject to penalty of perjury, by
6 7 the peace officer that there existed reasonable grounds to
6 8 believe that the person had been operating a motor vehicle in
6 9 violation of section 321J.2A, that there existed one or more
6 10 of the necessary conditions for chemical testing described in
6 11 section 321J.6, subsection 1, and that the person submitted to
6 12 chemical testing and the test results indicated an alcohol
6 13 concentration ~~as defined in section 321J.1~~ of .02 or more but
6 14 less than ~~.10~~ .08, the department shall revoke the person's
6 15 driver's license or operating privilege for a period of sixty
6 16 days if the person has had no previous revocation under this
6 17 chapter, and for a period of ninety days if the person has had
6 18 a previous revocation under this chapter.

6 19 Sec. 7. Section 321J.20, subsection 6, Code 2003, is
6 20 amended to read as follows:

6 21 6. Following certain minimum periods of ineligibility, a
6 22 temporary restricted license under this section shall not be
6 23 issued until such time as the applicant installs an ignition
6 24 interlock device of a type approved by the commissioner of
6 25 public safety on all motor vehicles owned or operated by the
6 26 applicant, in accordance with section ~~321J.2, 321J.4, 321J.9,~~
6 27 ~~or 321J.12.~~ Installation of an ignition interlock device
6 28 under this section shall be required for the period of time
6 29 for which the temporary restricted license is issued.

6 30 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection
6 31 3, shall not apply to this Act.

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CHRISTOPHER C. RANTS
Speaker of the House

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MARY E. KRAMER
President of the Senate

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7 8 I hereby certify that this bill originated in the House and
7 9 is known as House File 65, Eightieth General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

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7 15 Approved _____, 2003

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THOMAS J. VILSACK
Governor